

Remarks

Claims 66-132 were pending in the subject application. By this Amendment, the subject specification has been amended herein to correct a typographical error in the statement regarding federally sponsored research or development, and claims 67, 69, 71, 73, 75, 77, 80, 82, 84, 86, 88, 90, 93, 95, 97, 99, 101, 103, 105, 107, 110, 112, 114, 116, 118, 120, 122, 124, 126, and 128 have been cancelled. Entry and consideration of the amendments presented herein is respectfully requested. Claims 66, 70, 74, 78, 79, 83, 85, 89, 92, 96, 100, 104, 108, 109, 113, 117, 119, 123, 127, 130, 131, and 132 remain pending but withdrawn from consideration. Accordingly, claims 68, 72, 76, 81, 87, 91, 94, 98, 102, 106, 111, 115, 121, 125, and 129 are currently before the Examiner for consideration. Favorable consideration of the pending claims is respectfully requested.

Applicants note that claims 66, 70, 74, 78, 79, 83, 85, 89, 92, 96, 100, 104, 108, 109, 113, 117, 119, 123, 127, 130, 131, and 132 have been withdrawn from further consideration as being drawn to a non-elected invention. However, Applicants respectfully note that these claims are generic linking claims and that the Examiner indicated in the Restriction Requirement dated January 26, 2010 that these linking claims will be examined with whichever group was elected. Accordingly, Applicants have not cancelled these claims by this Amendment and respectfully request consideration and examination of these claims by the Examiner.

Claims 68, 72, 76, 81, 87, 91, 94, 98, 102, 106, 111, 115, 121, 125, and 129 are provisionally rejected for “obviousness-type” double patenting over claims 1-17 of copending Application No. 12/416,775 (hereinafter the ‘775 application). Applicants respectfully assert that the claims in the subject application are not obvious over the claims in the ‘775 application. Applicants note that the claims of the subject application require the use of a DNase and an enzyme that breaks down a nuclear membrane. In contrast, claim 1 of the ‘775 application recites the use of urea and DTPA. Accordingly, reconsideration and withdrawal of the rejection for “obviousness-type” is respectfully requested.

Claims 68, 72, 76, 81, 87, 91, 94, 98, 102, 106, 111, 115, 121, 125, and 129 are provisionally rejected for “obviousness-type” double patenting over claims 24-43 of copending Application No. 12/117,505 (hereinafter the ‘505 application). Applicants note that the subject application has an

effective filing date of August 15, 2003. Applicants also note that the '505 application is a divisional application of U.S. Application No. 11/035,667, filed January 14, 2005, and Application No. 11/035,667 is itself a continuation-in-part of the subject application. Applicants note that MPEP 804(I)(B)(1) (second paragraph) directs that the "ODP rejection in a base application can be withdrawn without a terminal disclaimer, while the ODP rejection in the improvement application cannot be withdrawn without a terminal disclaimer." Applicants respectfully assert that since the '505 application is effectively a continuation-in-part of the subject application, the rejection for "obviousness-type" double patenting should be withdrawn in accordance with MPEP 804. Accordingly, reconsideration and withdrawal of the rejection for "obviousness-type" is respectfully requested.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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